

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

MERCY HOSPITAL

and

Case 18-CA-155443

SEIU HEALTHCARE MINNESOTA

and

Case 18-CA-163045

ANGEL MARIE ROBINSON

ORDER¹

The Respondent's request for special permission to appeal from Deputy Chief Administrative Law Judge Arthur Amchan's Order Denying the Respondent's Motion to Sever and Defer Case 18-CA-155443 is denied. We find that the Respondent has failed to establish that the judge abused his discretion in denying the Respondent's motion.²

Dated, Washington, D.C., February 9, 2016

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

LAUREN McFERRAN, MEMBER

(SEAL)

NATIONAL LABOR RELATIONS BOARD

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² Member Miscimarra notes that the Board's ruling is without prejudice to the parties' right to continue litigating the appropriateness of deferral to arbitration regarding claims addressed in the hearing. See, e.g., *Dayton Power & Light Co.*, 267 NLRB 202, 202 (1983) (regarding right of parties to litigate questions regarding appropriateness of deferral); *Electrical Workers Local Union No. 702 (Central Illinois Public Service Co.)*, 274 NLRB 1292 (1985) (same).